

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1299

Introduced by Senators Speier and Denham

(Principal coauthor: Assembly Member Koretz)

(Coauthors: Senators Bowen, Chesbro, Cox, and Romero)

(Coauthors: Assembly Members Chan, Cogdill, Garcia, Karnette,
Lieu, Niello, Spitzer, and Torrico)

February 16, 2006

An act to amend the heading of Article 6 (commencing with Section 11383) of Chapter 6 of Division 10 of, to amend Section 11383 of, and to add Section 11383.5 to, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as amended, Speier. Controlled substances: precursors: phencyclidine: methamphetamine.

(1) Existing law generally makes it a felony punishable by 2, 4, or 6 years in the state prison for a person to possess specified substances at the same time with the intent to manufacture phencyclidine or methamphetamine.

This bill would apply this penalty, in addition, to any person who possesses those and other specified substances at the same time with the intent to manufacture or with the intent to sell, transfer, or otherwise furnish to another person, knowing that they will be used to manufacture phencyclidine or methamphetamine. ~~The bill would also provide that possession of the optical, positional, or geometric isomer of any of the specified listed compounds shall be deemed to be possession of the derivative substance.~~ By revising existing crimes or

creating new crimes, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Article 6 (commencing with
2 Section 11383) of Chapter 6 of Division 10 of the Health and
3 Safety Code is amended to read:

4
5 Article 6. Precursors of Phencyclidine (PCP) and
6 Methamphetamine
7

8 SEC. 2. Section 11383 of the Health and Safety Code is
9 amended to read:

10 11383. (a) Any person who possesses at the same time any of
11 the following combinations, a combination product thereof, or
12 possesses any compound or mixture containing the chemicals
13 listed in the following combinations, with the intent to
14 manufacture phencyclidine (PCP) or any of its analogs specified
15 in subdivision (d) of Section 11054 or subdivision (e) of Section
16 11055, or who possesses any of those chemicals, combinations,
17 or mixtures with the intent to sell, transfer, or otherwise furnish
18 to another person with the ~~intent~~ knowledge that they will be used
19 to manufacture these controlled substances is guilty of a felony
20 and shall be punished by imprisonment in the state prison for
21 two, four, or six years:

22 (1) Piperidine and cyclohexanone.

23 (2) Pyrrolidine and cyclohexanone.

24 (3) Morpholine and cyclohexanone.

25 (b) Any person who possesses the optical, positional, or
26 geometric isomer of any of the compounds listed in this section,
27 with the intent to manufacture, or who possesses any of those

1 compounds with the intent to sell, transfer, or otherwise furnish
2 to another person with the ~~intent~~ *knowledge* that they will be used
3 to manufacture these controlled substances is guilty of a felony
4 and shall be punished by imprisonment in the state prison for
5 two, four, or six years:

6 (1) Phencyclidine (PCP).

7 (2) Any analog of PCP specified in subdivision (d) of Section
8 11054, or in subdivision (e) of Section 11055.

9 (c) Any person who possesses any compound or mixture
10 containing piperidine, cyclohexanone, pyrrolidine, morpholine,
11 1-phenylcyclohexylamine (PCA),
12 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium
13 bromide (PMB) with the intent to manufacture phencyclidine, or
14 who possesses any of those compounds or mixtures with the
15 intent to sell, transfer, or otherwise furnish to another person with
16 the ~~intent~~ *knowledge* that they will be used to manufacture these
17 controlled substances is guilty of a felony and shall be punished
18 by imprisonment in the state prison for two, four, or six years.

19 (d) Any person who possesses immediate precursors sufficient
20 for the manufacture of piperidine, cyclohexanone, pyrrolidine,
21 morpholine, or phenylmagnesium bromide (PMB) with the intent
22 to manufacture phencyclidine, or who possesses any of those
23 substances in that quantity with the intent to sell, transfer or
24 otherwise furnish to another person with the ~~intent~~ *knowledge*
25 that they will be used to manufacture these controlled substances,
26 is guilty of a felony and shall be punished by imprisonment in the
27 state prison for two, four, or six years.

28 (e) This section does not apply to drug manufacturers
29 licensed by this state or persons authorized by regulation of the
30 Board of Pharmacy to possess those substances or combinations
31 of substances.

32 SEC. 3. Section 11383.5 is added to the Health and Safety
33 Code, to read:

34 11383.5. (a) Any person who possesses both methylamine
35 and phenyl-2-propanone (phenylacetone) at the same time with
36 the intent to manufacture methamphetamine, or who possesses
37 those chemicals with the intent to sell, transfer, or otherwise
38 furnish to another person with the ~~intent~~ *knowledge* that they will
39 be used to manufacture that controlled substance, or who
40 possesses both ethylamine and phenyl-2-propanone

(phenylacetone) at the same time with the intent to manufacture N-ethylamphetamine, or who possesses those chemicals with the intent to sell, transfer, or otherwise furnish to another person with the ~~intent~~ *knowledge* that they will be used to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.

(b) (1) Any person who, with the intent to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055, possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses a substance containing ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses at the same time any of the following, or a combination product thereof, or who possesses any of those chemicals, substances, or products with the intent to sell, transfer, or otherwise furnish to another person with the ~~intent~~ *knowledge* that they will be used to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years:

(A) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus hydriodic acid.

(B) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, thionyl chloride and hydrogen gas.

(C) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus phosphorus pentachloride and hydrogen gas.

(D) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, chloroephedrine and chloropseudoephedrine, or phenylpropanolamine, plus any reducing agent.

(2) Any person who, with the intent to manufacture methamphetamine or any of its analogs specified in subdivision

(d) of Section 11055, or who possesses that chemical, product, or substance with the intent to sell, transfer, or otherwise furnish to another person with the ~~intent~~ *knowledge* that they will be used to manufacture these controlled substances possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or a reducing agent is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.

(c) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section, with the intent to manufacture any of the following controlled substances, or who possesses any of these compounds with the intent to sell, transfer, or otherwise furnish to another person with the ~~intent~~ *knowledge* that they will be used to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years:

(1) Methamphetamine.

(2) Any analog of methamphetamine specified in subdivision (d) of Section 11055.

(3) N-ethylamphetamine.

(d) Any person who possesses immediate precursors sufficient for the manufacture of methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to manufacture methamphetamine, or who possesses those substances with the intent to sell, transfer, or otherwise furnish to another person with the ~~intent~~ *knowledge* that they will be used to manufacture that controlled substance is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.

(e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a reducing agent, with the intent to manufacture methamphetamine, or who possesses that quantity of chemicals with the intent to sell, transfer, or otherwise furnish to another person with the ~~intent~~ *knowledge* that they will be used to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.

(f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to manufacture methamphetamine, or who possesses that compound or mixture with the intent to sell, transfer, or otherwise furnish to another person with the ~~intent~~ *knowledge* that they will be used to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.

(g) For purposes of this section, a “reducing agent” for the purposes of manufacturing methamphetamine means an agent that causes reduction to occur by either donating a hydrogen atom to an organic compound or by removing an oxygen atom from an organic compound.

(h) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the Board of Pharmacy to possess those substances or combinations of substances.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CORRECTIONS:

Text - Page 5.